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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,587

09/21/2006

Roberto Alvarez Arevalo

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,587	Applicant(s) ALVAREZ AREVALO ET AL.	
	Examiner Andrew C. Lee	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action in response to the Application no. 10593587 filed on 9/21/2006.

Claims 1 – 11 are entered and presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/13/2006 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to because the markings and/or the document number (WO 2005/093995 PCT/GB2005/001011) on the upper left and right corners of 1/4, 2/4, 3/4, 4/4 pages should be deleted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

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several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

With regard to the disclosure, the document number (WO 2005/093995 PCT/GB2005/001011) for pages 1 – 11 should be deleted.

With regard to the disclosure, the disclosure is lack of arrangement of the specification.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

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(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "a point at which to commence playing", and "when this point has been reached". It is unclear what applicant means by a point and this point refers to. Does a point refer to the expiration of a timer or to the buffer threshold condition? Clarification and correction is required.

Claim 2 recites the limitation "the condition" in line 6, the limitation "the maximum of the timing error" in line 7, the limitation "the transmission time of the respective following section" in lines 8 – 9, the limitation "the receiver" in line 10. There is insufficient antecedent basis for this limitation in the claim.

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Claim 3 recites the limitation "the receiver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the receiver" in lines 1 – 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the transmitter" in line 2, "the sequence" in line 3, "the receiver" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (US 20020136205 A1).

Regarding claim 1, Sasaki disclose a method of transmitting a recording (*Fig. 1, Abstract, para. [0001]*)s comprising: commencing transmission thereof ("*sequentially transmits the packet data*"; *para. [0047],[0048]*); holding received data in a receiver buffer "a buffer for temporarily storing packet data"; *paras. [0024], [0050], [0051]*); and commencing playing of said received data ("*sequentially reading and processing*"; *paras. [0024], [0025]*) characterised by the steps of analysing the whole of the recording to determine a point at which to commence playing such that no buffer underflow can

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occur (*Fig. 2, paras. [0056] – [0060]*); and commencing playing only when this point has been reached (*Fig. 4, para. [0079]*).

Regarding claim 10, Sasaki discloses a method claimed the recording is a video recording (*“Video signal”; Fig. 1, Fig. 8, paras. [0005], [0003]*).

Regarding claim 11, Sasaki discloses a method claimed the recording is an audio recording (*“audio signal”; Fig. 1, Fig. 8, paras. [0005], [0003]*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 4, 5, 6, 7, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (US 20020136205 A1) in view of Ishioka et al. (US 20040141731 A1).

Regarding claim 2, Sasaki discloses a method of transmitting a recording (*Fig. 1, Abstract, para. [0001]*) comprising: commencing transmission thereof (*“sequentially transmits the packet data”; para. [0047],[0048]*); holding received data in a receiver buffer (*“a buffer for temporarily storing packet data”; paras. [0024], [0050], [0051]*); and commencing playing of said received data (*“sequentially reading and processing”; paras. [0024], [0025]*); characterised by the steps of: Sasaki discloses implicitly analysing the whole of the recording to identify a first section at the beginning thereof

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which meets the condition that it covers a playing time interval greater than or equal to the maximum of the timing error for a following section of any length, each timing error being defined as the extent to which the transmission time of the respective following section exceeds its playing time interval (*Fig. 5, Fig. 6, paras. [0086], [0087]*); and causing the receiver to commencing playing only after said first section has been received (*para. [0091]*).

Sasaki does not disclose explicitly analyzing the whole of the recording to identify a first section at the beginning thereof which meets the condition that it covers a playing time interval greater than or equal to the maximum of the timing error for a following section of any length, each timing error being defined as the extent to which the transmission time of the respective following section exceeds its playing time interval.

Ishioka et al. in the same field of endeavor teach analyzing the whole of the recording to identify a first section at the beginning thereof which meets the condition that it covers a playing time interval greater than or equal to the maximum of the timing error for a following section of any length, each timing error being defined as the extent to which the transmission time of the respective following section exceeds its playing time interval (*Fig. 2, paras. [0030]-[0034], [0111]-[0113]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of analyzing the whole of the recording to identify a first section at the beginning thereof which meets the condition that it covers a playing time interval greater than or equal to the maximum of the timing error for a following section of any length, each timing error

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being defined as the extent to which the transmission time of the respective following section exceeds its playing time interval as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback. *(as suggested by Ishioka et al., see para. [0003]).*

Regarding claim 3, Sasaki discloses a method claimed comprising, after transmission of said first portion (*Fig. 8, para. [0007]*), except transmitting an instruction to the receiver to commence playing.

Ishioka et al. in the same field of endeavor teach transmitting an instruction to the receiver to commence playing (*"decoding time stamp (DTS) and PTS"; paras. [0008], [0011], [0012]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of transmitting an instruction to the receiver to commence playing as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback. *(as suggested by Ishioka et al., see para. [0003]).*

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Regarding claim 4, Sasaki does not disclose a method claimed comprising transmitting to the receiver an instruction specifying the first section and wherein the receiver commences playing when it recognises that the first section is in the buffer.

Ishioka et al. in the same field of endeavor teach method claimed comprising transmitting to the receiver an instruction specifying the first section and wherein the receiver commences playing when it recognises that the first section is in the buffer (*"decoding time stamp (DTS) and PTS"*; paras. [0008], [0011], [0012], [0019]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of method claimed comprising transmitting to the receiver an instruction specifying the first section and wherein the receiver commences playing when it recognises that the first section is in the buffer as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback (*as suggested by Ishioka et al., see para. [0003]*).

Regarding claim 5, Sasaki does not disclose a method claimed in which the analysis comprises: (a) at the transmitter, computing said maximum timing error values for different portions of the sequence, and (b) at the receiver, comparing the values with the buffer contents to recognise when said first section is in the buffer.

Ishioka et al. in the same field of endeavor teach a method claimed in which the analysis comprises: (a) at the transmitter, computing said maximum timing error values for different portions of the sequence, and (b) at the receiver, comparing the values with

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the buffer contents to recognise when said first section is in the buffer (*Fig. 1, elements 104, 109, paras. ”; paras. [0008], [0011], [0012], [0019], [0085], [0090]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of a method claimed in which the analysis comprises: (a) at the transmitter, computing said maximum timing error values for different portions of the sequence, and (b) at the receiver, comparing the values with the buffer contents to recognise when said first section is in the buffer as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback. (*as suggested by Ishioka et al., see para. [0003]*).

Regarding claim 6, Sasaki discloses a method claimed comprising withholding transmission of an initial part of the recording until the remainder of said first section has been transmitted; transmitting said initial part (*para. [0065]*); and wherein the receiver commences playing only when said initial part is received (*paras. [0072]-[0073]*).

Regarding claim 7, Sasaki discloses a method claimed including performing the analysis in advance and marking the identified section in the recording (*“storage address” as marking the identified section; para. [0050]*).

Regarding claim 8, Sasaki does not disclose a method claimed where said analysis includes computing, in advance, timing error values corresponding to a plurality

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of transmitting data rates and storing them; and subsequently estimating therefrom an error value corresponding to an actual transmitting data rate.

Ishioka et al. in the same field of endeavor teach a method claimed where said analysis includes computing, in advance, timing error values corresponding to a plurality of transmitting data rates and storing them (*Abstract, Fig. 2, Fig. 3, paras. [0031]-[0032], [0089]-[0090]*); and subsequently estimating therefrom an error value corresponding to an actual transmitting data rate (*paras. [0089], [0222]-[0024]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of a method claimed where said analysis includes computing, in advance, timing error values corresponding to a plurality of transmitting data rates and storing them; and subsequently estimating therefrom an error value corresponding to an actual transmitting data rate as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback. (*as suggested by Ishioka et al., see para. [0003]*).

Regarding claim 9, Sasaki does not disclose a method claimed in which the analysis comprises testing a timing error parameter evaluated for successive portions of the recording, wherein the timing error parameter is firstly calculated in respect of a first or early portion of the recording and the timing error parameter for subsequent portions is obtained by updating the parameter obtained for the preceding portion.

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Ishioka et al. in the same field of endeavor teach a method claimed in which the analysis comprises testing a timing error parameter evaluated for successive portions of the recording, wherein the timing error parameter is firstly calculated in respect of a first or early portion of the recording and the timing error parameter for subsequent portions is obtained by updating the parameter obtained for the preceding portion (Fig. 2, para. [0056], [0057]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sasaki to include the features of a method claimed in which the analysis comprises testing a timing error parameter evaluated for successive portions of the recording, wherein the timing error parameter is firstly calculated in respect of a first or early portion of the recording and the timing error parameter for subsequent portions is obtained by updating the parameter obtained for the preceding portion as taught by Ishioka et al. One of ordinary skill in the art would be motivated to do so for providing technology for playing data streams that include video and audio data, particularly technology that omits the adjustment of a reference clock used in video and audio playback. *(as suggested by Ishioka et al., see para. [0003]).*

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Fung (5949410).
- b) Rosenau et al. (5598352).
- c) Veltman (5481543).
- d) Lyons et al. (6101195).

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e) Yahata et al. (US 20040240856 A1).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<2/24/2009:2Qy09>

/Salman Ahmed/
Examiner, Art Unit 2419